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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/751,058

12/31/2003

Jonathan Lee Orwant

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COHEN, PONTANI, LIEBERMAN & PAVANE

551 FIFTH AVENUE

SUITE 1210

NEW YORK, NY 10176

EXAMINER

BEHNCKE, CHRISTINE M

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/751,058

Applicant(s)

ORWANT, JONATHAN LEE

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All. b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/30/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the Election and Amendment filed 21 February 2007, in which claims 2-32 were presented for examination.

Election/Restrictions

2. Applicant's election of Group II, claims 20-25 and 31 in the reply filed on 21 February 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-4, 6-8, 10-13, 15, 20, 21, 29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Edlund et al., US 2003/0135486.

(Claims 20 and 31) Edlund et al. discloses a method and apparatus for providing information about movement of a mobile object to each of a plurality of positions along the Earth's surface, comprising: obtaining position data related to each of the plurality of positions ([0010]); and partitioning the position data for the plurality of positions into a

plurality of clusters of related positions that are accessible to provide information in response to a request ([0025]).

(Claims 8, 21 and 29) Edlund et al. further discloses wherein the step of partitioning the position data comprises storing the plurality of clusters of related positions in a persistent database for selective retrieval therefrom upon request to provide information about movement of the mobile object ([0052]).

(Claims 10 and 30) Edlund et al. further discloses means for, responsive to a request related to a specified time and/or position, providing information about movement of the mobile object corresponding to the specified time and/or position by accessing the position data for the plurality of positions stored in said plurality of clusters ([0008]).

(Claims 2 and 11) Edlund et al. further discloses wherein the position data for the plurality of positions is collected automatically ([0005]-[0008]).

(Claims 3 and 12) Edlund et al. further discloses wherein the position data for the plurality of positions is constantly collected at periodic time intervals ([0025]).

(Claims 4 and 13) Edlund et al. further discloses wherein the position data for the plurality of positions comprises latitude and longitude ([0025]).

(Claim 6) Edlund et al. further discloses wherein the request is based on time ([0025]).

(Claim 7) Edlund et al. further disclose wherein the request is based on at least one of the plurality of positions ([0025]).

(**Claim 15**) Edlund et al. further discloses wherein the step of accessing the position data responsive to a request comprises accessing location information derived from the position data and related to at least one of said plurality of positions ([0022], [0052]).

Claim Rejections - 35 USC § 102

4. Claims 8, 9, 15-20, and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Haseloff, US 2005/0065714.

(**Claims 20 and 31**) Haseloff discloses a method and apparatus for providing information about movement of a mobile object to each of a plurality of positions along the Earth's surface, comprising: obtaining position data related to each of the plurality of positions ([0010]); and partitioning the position data for the plurality of positions into a plurality of clusters of related positions that are accessible to provide information in response to a request ([0024]).

(**Claim 8**) Haseloff further discloses storing the position data for the plurality of positions in a persistent database for selective retrieval therefrom upon request to provide information about movement of the mobile object, wherein the storing step includes converting the position data to location information related to at least one of said plurality of positions ([0030]-[0033]).

(**Claim 15**) Haseloff further discloses wherein the step of accessing the position data responsive to a request comprises accessing location information derived from the position data and related to at least one of a plurality of positions ([0018]).

(Claims 9 and 16) Haseloff further discloses wherein the location information is at least one of street address, postal code, city, state and country ([0017]).

(Claim 17) Haseloff further discloses wherein the location information includes an index relating the position data of at least one of the plurality of positions to at least one of street address, postal code, city, state, and country for, responsive to the request providing information about movement of the mobile object ([0031]-[0033]).

(Claim 18) Haseloff further discloses wherein location information includes an inverted index relating at least one of said street address, postal code, city, state and country to said plurality of positions for, responsive to said request, providing information about movement of the mobile object ([0031]-[0033], figure 1).

(Claim 19) Haseloff further discloses wherein the location information is a at least of a street map, terrain map and satellite map relating at least one of said plurality of positions to at least one of street address, postal code, city, state and country for, responsive to said request, providing information about movement of the mobile object ([0024], [0031]-[0033]).

(Claim 22) Haseloff further discloses wherein the partitioning step includes a pre-processing step of warping the position data to take into account that the Earth is approximately spherical ([0024]).

(Claim 23) Haseloff further discloses wherein the partitioning step includes a post-processing step of unwarping the output of the partition step to correct for said preprocessing step ([0024]).

(**Claim 24**) Haseloff further discloses wherein the partitioning step includes performing the partitioning each time new position data is obtained ([0017]).

(**Claim 25**) Haseloff further discloses determining a periphery that bounds all positions from among said plurality of positions which are categorized into one of said plurality of clusters ([0031]-[0033]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 26-28 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haseloff in view of Moore, US 6,377,210.

Haseloff discloses the method and apparatus as applied to claims 20 and 31, wherein position data is partitioned into a plurality of clusters of related positions, Haseloff further discloses the position data are applied to imaging of position information but does not explicitly disclose individual maps. However, Moore teaches an automatic mobile object locator wherein the position information of the mobile object is applied to map data, an individual map for each of a plurality of positions (figures 9-11, column 8, lines 39-65), and animating movement of the mobile object by combining a plurality of the individual maps (column 8, lines 25-38, column 10, lines 4-17), storing the individual maps in a persistent database for selective retrieval (figure 5), wherein each of the derived maps is one of a street map, terrain map and satellite map relating

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the position data to at least one of street address, postal code, city, state and country for, responsive to a request, providing information about movement of the mobile object (figures 9-11, column 8, lines 39-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method and apparatus of Haseloff with the teachings of Moore because as Moore suggests storing map data of a mobile objects position and speed provides the history of a particular vehicle and allows for more accurate monitoring of the movement of a fleet of vehicles (column 3, lines 15-37 and column 4, lines 49-67).

Claim Rejections - 35 USC § 103

6. **Claims 5 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Haseloff.

Haseloff discloses the acquisition of position data for a mobile object for a plurality of positions, the position data including longitude and latitude by GPS systems ([0033]). Haseloff does not explicitly disclose the position data further including altitude information, however this would have been obvious to include altitude information in the position data as it merely requires the certainty of four satellites in a GPS system, wherein most GPS systems are fully capable and do calculate the altitude of a position, and particularly for Haseloff would have been beneficial to add certainty for the location of a mobile object in a building or structure ([0046]).

Conclusion

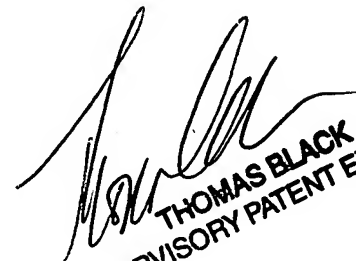
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB


THOMAS BLACK
SUPERVISORY PATENT EXAMINER